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Fulbright 'Scared' by Laos Talk

Sen. J. William Fulbright, D-Ark., says that high-ranking Nixon administration officials have indicated that they consider Laos even more important than Vietnam.

"The fact that high officials of the administration thinks this scares me to death," Fulbright, chairman of the Senate Foreign Relations Committee, said yesterday. "It suggests an ominous and dangerous future for us in that remote country."

Fulbright delined to identify what officials he meant, but The Associated Press reported he was referring to a high State Department official who twice in recent weeks made the argument in conversation with committee members.

"The government of the United States may soon have to decide whether to go all the way in Laos — that is, to make it another Vietnam — or to get out," Fulbright said.

Asks 'Close Hard Look'

"If Vietnam was important enough to justify the commitment of half a million American troops, then in their view, how many more could justifiably be committed in Laos, which is one of the few worse places tha Vietnam to fight a war?" he said.

Calling it "wildly absurd" to say that Laos and Vietnam, singly or together, have the capability of harming the United States, Fulbright said that the time has come to take "a close hard look" at the American interest in Laos.

The Senator referred to an article by George Sherman which appeared in The Sunday Star, calling it "most illuminating." Fullbright, who placed his statements and The Star article in the Congressional Record, indicated he believed the story presented insights into administration views of Laos.

"For the first time, American bombing of the Plain of Jars is explicitly related to American bombing of the Ho Chi Minh Trail, but in a most curious way," he said.

Cites "A Suspicion"

"On the one hand, we are told that bombing in the north—which, be it noted, did not prevent a Communist takeover of the Plain of Jars—has already diverted planes from attacks on the Ho Chi Minh trail," Fulbright said.

"On the other hand" he said, "we are told that if we do not prevent a Communist victory in the north—presumably by more bombing—then we will have to stop bombing the trail anyway."

Further, Fulbright said, the administration view appears to be that if American air strikes against the Ho Chi Minh Trail are stopped, then hopes for Vietnamization will be destroyed.

"This confirms a suspicison many of us have had about the fragility of the policy of Vietnamization," he said.

the Baltimore Sun shortly after that election, making clear that one of the major reasons for rejection of the new constitution was the inclination to reduce the voting age in that constitution.

Thus, there are 11 States to which this question has been submitted and the sovereign voters of no State, since the State of Kentucky adopted their 18-year-old provision in 1955 in which the matter has been submitted by the legislatures to the voters of their States, have adopted this reduction of the voting age.

To my mind, aside from any constitutional question, aside from any question of the personal views of any Senator, the adoption of this amendment as offered here now would be to most flagrantly ignore the general expressions of the voters of this country through solemn referendums in 11 different States in recent years without any single State having adopted it since 1955, when Kentucky adopted it.

Now, aside from that, I want to say that there is a compilation—and I am sure that my distinguished friend from Alabama will place it in the RECORD—prepared by the Library of Congress, which shows that in practically every State there have been efforts made in the legislatures to submit such constitutional amendments reducing the voting age. In my State of Florida, I think there has scarcely been a session for many years in which that has not been offered, but it has never been submitted by the legislature of my State—and many other States—so that the people have not had a chance to vote upon it, but, instead, have gladly accepted the verdict of those who represented them as members of their State legislatures.

There are other States in which constitutional conventions have been set up to draft new constitutions for submission to their people. I think of one of them now, Connecticut, where one of the efforts made, and a strong effort, in Connecticut, was to put the 18-year-old voting limit into their constitution, and it was made in that convention, but was defeated. There have been other States, including my own, in which we have had a constitutional commission set up on two occasions to draft a new constitution. A new one was recently adopted in my State, and one of the things argued heavily in that commission and later in the legislature was the question of reducing the voting age. It was defeated and eliminated from the proposed constitution which, when submitted, was adopted by the people of my State.

I know of no issue submitted so often to so many voters by so many legislatures which has been so generally and heavily repudiated and defeated as has been this one; yet, it is proposed here that we simply put it into legislation dealing with voting rights, as an amendment, which would express the wisdom or the unwisdom of the Senate, in such a way as to make it appear that we are not even knowledgeable about the many expressions of the people in the many States, the legislatures of the many States, and the constitutional conventions of the various States which, without exception, have knocked it out, or if they have not knocked it out, the people have knocked it out every time they have been given the chance since 1955.

I appreciate the fact that my distinguished friend from Alabama has yielded to me to make these remarks. I simply want the RECORD to show clearly what we are asked to do, which is to run upstream against the uniform expression of great numbers of our people, many millions in total, in recent years, since 1955, on this very subject.

I thank the Senator for yielding to me.

Mr. ALLEN. Mr. President, I thank the distinguished Senator from Florida for his remarks.

Mr. MILLER. Mr. President, will the Senator yield for a question?

Mr. ALLEN. In just a moment. If I may, I would like to state that while I agree with the senior Senator from Florida on the matter of not authorizing voting by 18 year olds by statute, I certainly disagree with him on the wisdom of taking that action by constitutional amendment. By going the constitutional amendment route, since the constitutional amendment would have to be referred back to the States for their ratification, it would take three-fourths of the States to ratify it, that would be the States putting this qualification on, authorizing the 18 year olds to vote. And therein lies the difference between the junior Senator from Alabama and the senior Senator from Florida.

I yield for a question to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, I understand the Senator's amendment to provide in effect that unless the Constitution so requires, no State can prohibit 18 year olds voting.

Mr. ALLEN. The purpose of the amendment offered by the Senator from Alabama is to say that this action is not effective unless the Constitution does not forbid it. That is the effect of the amendment.

Mr. MILLER. Why does the Senator take the approach that unless it is prohibited by the Constitution, no State shall exclude 18 year olds from voting? Why does he not say, unless it is permitted by the Constitution.

Mr. ALLEN. The reason the Senator from Alabama took this approach was that this very language in a similar situation, or a situation of comparable nature, has been approved by an overwhelming vote of the Senate—the exact six words in the case of the Scott amendment in one instance and the Mathias amendment in the other, to the Whitten amendments to the HEW appropriations bill.

Mr. MILLER. In other words, the Senator is saying that the "except as required by the Constitution" phrase incidental to the Scott-Hart amendment rests on the same rationale and the same logic as his amendment to the pending Mansfield amendment.

Mr. ALLEN. Exactly, because the Whitten amendment said that no portion of the funds made available by the HEW appropriations bill should be used for the purpose of busing students, closing schools, or forcing any child to go to a school not of the choice of his parents.

The Senate, in its wisdom, in 1968 added the phrase, "in order to overcome racial imbalance." And the HEW constructed that to mean, "in order to overcome de facto segregation."

So the Scott amendment, in effect, said that these things should not be done except as required by the Constitution, thus in effect protecting de facto segregation and outlawing de jure segregation.

The purpose of the amendment offered by the junior Senator from Alabama is to put this amendment on the very same basis.

Mr. MILLER. Mr. President, does the Senator believe that the Constitution requires the exclusion of 18-year-olds from voting?

Mr. ALLEN. No. However, I believe that the Constitution permits or requires the State to set the qualifications for those who vote within is boundaries.

Mr. MILLER. The Senator from Iowa shares that belief. But that is not what the Senator's amendment would make the pending amendment mean.

If I read the amendment correctly, the Senator provides that, "Except as required by the Constitution, no citizen of the United States otherwise qualified to vote in any State shall be denied the right to vote on account of age, if he is 18."

The very wording of the amendment suggests that there might be some constitutional requirement against the 18-year-olds voting.

Mr. ALLEN. No. The constitutional requirement is against Congress taking that action, because it places that power in the hands of the States in four different sections of the Constitution, as pointed out by the distinguished Senator from North Carolina this morning.

Mr. MILLER. The Senator is saying that notwithstanding those qualifications established by a State, if the State should establish as one of its qualifications the age of 19 years, then that is invalid.

Mr. ALLEN. Mr. President, the junior Senator from Alabama would point out to the distinguished Senator from Iowa that the distinguished majority leader, who is the author of the amendment to the Scott amendment has endorsed the amendment offered by the Senator from Alabama, as he stated, 100 percent, and he called on the Senate to accept the amendment of the Senator from Alabama.

The suggestion of the Senator from Alabama to the Senator from Iowa would be that if he would prefer a different wording, he prepare an amendment, and after action has been had on the amendment of the Senator from Alabama, he offer his amendment and get a vote on it.

Mr. MILLER. Mr. President, may I say that I have a great amount of respect for the distinguished majority leader, the Senator from Montana. But just because the Senator from Montana has concluded that the amendment of the Senator from Alabama has a great amount of wisdom and has applauded it, does not mean that the Senator from Iowa will support it, especially if the Senator from Iowa does not think it is responsive.

I would like to have a responsive an-

swer from the Senator from Alabama to my question as to whether he thinks there is any prohibition in the Federal Constitution against 18-year-olds voting.

Mr. ALLEN. Mr. President, unless the States have authorized it, there is a prohibition against it, yes, because the Congress has no power to set that qualification.

Mr. MILLER. The Senator says, "Unless the States have authorized it."

Mr. ALLEN. The Senator is correct.

Mr. MILLER. Suppose the States authorize 19 year olds to vote. Does the Senator believe there is a prohibition in the Constitution against that?

Mr. ALLEN. Of course, there is no prohibition in the Constitution against that. As the Senator from Alabama has just said, the States have the power to set the qualifications of electors.

Mr. MILLER. But the Senator's amendment now says, "Except as required by the Constitution, no State shall prohibit 18-year-olds from voting." Suppose we were to say 19-year-olds? Does the Senator suggest that the Constitution would prohibit that?

Mr. ALLEN. No. I do not suggest that.

Mr. MILLER. Well, with the Senator's amendment as suggested, this is what I might understand. That is why I would think the amendment would be much better if it were worded, "Except as permitted by the Constitution," instead of, "Except as required by the Constitution."

Mr. ALLEN. Mr. President, the Senator from Alabama cannot be responsible for the failure of the Senator from Iowa to understand the amendment. But the amendment, in the judgment of the junior Senator from Alabama, would make this provision be constitutional before it is effective. That is the effect of the amendment.

Mr. MILLER. The Senator says it would make it constitutional. However, I am trying to find out whether he thinks there is anything in the Constitution that requires the exclusion of 18-year-olds from voting.

Mr. ALLEN. No. I have said the exact opposite to the distinguished Senator on several occasions. The State has that authority. But in the absence of constitutional amendment, the Congress does not have that authority.

Mr. MILLER. Does the Senator think if a State establishes 19-year-old voting there is anything in the Constitution that requires they be excluded?

Mr. ALLEN. No.

Mr. MILLER. Does the Senator think if a State requires the age of 20 for voting there is anything in the Constitution that requires the exclusion of 20-year-olds?

Mr. ALLEN. No. There is nothing in the Constitution, as the Senator from Alabama has stated time and again, that provides that States, under the present law, under the present Constitution, do not have the right to set the qualifications of electors. Any change in that authority, in the judgment of the junior Senator from Alabama, would have to come by constitutional amendment. So the effect of the amendment is to say that unless the Constitution permits this route which the Mansfield amendment seeks to follow, it would be ineffective.

Mr. MILLER. May I say that the way I read the Senator's amendment, and I want to repeat it, I find it very difficult to find his answer responsive to my question, because if his amendment is agreed to, on page 3 of the pending Mansfield amendment we would have this language:

> Except as required by the Constitution, no citizen of the United States who is otherwise qualified to vote in any State or political subdivision in any primary or in any election shall be denied the right to vote in any such primary or election on account of age if such citizen is eighteen years of age or older.

What the Senator is saying is that if a State has on its statute books or in its Constitution a provision to be eligible to vote, one must be 21 years of age.

Mr. ALLEN. Yes, unless the Constitution permits the statute to change that, then this law would be ineffective.

Mr. MILLER. But the Senator does not say "unless the Constitution permits." He says "except as required by the Constitution." There is all the difference in the world.

The Senator has already used the language to which I suggest the amendment be changed, "except as permitted by the Constitution." However, I suggest he is not going to find anything in the Federal Constitution that requires a State to exclude 18-year-olds, 19-year-olds, and 20-year-olds.

I must say I do not see any substance to his amendment whatever.

Mr. ALLEN. The Senator has been saying the very same thing the Senator from Alabama is saying. I do not see a great deal of difference between the thoughts of the Senator from Iowa and the Senator from Alabama. But we have a similar provision now on the statute books on the HEW appropriation bill.

Mr. MILLER. Mr. President, I am looking at the language of the pending amendment to the Mansfield amendment. I suggest most respectfully there is nothing in the Federal Constitution that requires a State to exclude 18-year-olds from voting, to exclude 19-year-olds from voting, to exclude 20-year-olds from voting, or to exclude 15-year-olds from voting, that I know of. So I do not understand the purpose of the Senator's amendment.

Mr. ALLEN. I appreciate the comments and the interest of the distinguished Senator from Iowa. The junior Senator from Alabama will state to him that if this amendment is not adopted the Senator from Alabama would be happy to support an amendment by the Senator from Iowa seeking to adopt an amendment putting into effect the language he suggests the Senator from Alabama use.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, how much time does the Senator from Indiana desire?

Mr. BAYH. Ten or fifteen minutes.

Mr. FULBRIGHT. Could I have 3 or 4 minutes?

Mr. MANSFIELD. Without taking the time from the Senator from Indiana, I yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I have long favored lowering the voting age to 18, and I have expressed my feeling about this on numerous occasions. I think perhaps my sentiments were summed up in a letter last summer to a constituent wherein I stated:

> Extending the suffrage to eighteen, nineteen, and twenty year-olds will broaden the base of democracy not only by the number of young people which it immediately adds to our voting population, but also by encouraging the participation of these people at an age when they are enthusiastic and interested in government and politics. This will enable us to make real inroads on voter apathy in the United States and in Arkansas as well. Our young people could be more than mere passive voters– they could be a catalytic and informative force in American politics. They have the enthusiasm and the idealism of youth; they are fresh from our schools and colleges, with a lively interest in politics and social affairs; and they could take on their political responsibilities at a time when they will be more apt to place the national interest above those particular interests which they will later acquire. In our schools today, students develop an interest in politics that even their parents may not have. But when they graduate at 17 or 18, they find that they cannot put their knowledge to use. At this point, their political enthusiasm is in danger of waning. With a lowered voting age, this enthusiasm could be channeled into constructive, effective political actions.

So I do not quarrel with the merits of this issue. I have, nevertheless, listened to the questions raised about whether it would be constitutionally correct for the Congress to enact a statute to this effect in view of the constitutionally based premise that voter qualifications shall be set by the several States. However, as this issue has been developing in the Senate, and especially with regard to the new amendment just offered, I have been most impressed with the arguments made by such eminent legal authorities as Professors Freund and Cox, not to mention those made by the distinguished majority leader and the assistant majority leader. The reasoning supporting the amendment has been most eloquently expressed in the Chamber today and I need not elaborate upon it at this time. I am persuaded by these arguments and, accordingly, I shall vote for this amendment.

SENATE RESOLUTION 368—SUBMISSION OF A RESOLUTION TO EXPRESS THE SENSE OF THE SENATE ON ARMED FORCES IN LAOS

Mr. FULBRIGHT. Mr. President, I submit a resolution which states the sense of the Senate that the Constitution of the United States requires that the involvement of U.S. Armed Forces in combat in or over Laos must be predicated upon proper affirmative constitutional action.

The United States has no treaty or other national commitment to the Government of Laos or to any faction in that country.

The Congress has not granted authority to the President to wage war there.

As Commander in Chief, the President may use the Armed Forces of the United States to defend the United States. He may have authority to dispatch American Armed Forces abroad to protect American citizens.

The President does not have authority, however, nor has Congress given him authority, to engage in combat operations in Laos whether on the land, in the air, or from the sea.

An argument might be made that the Tonkin Gulf resolution is broad enough to authorize the President to engage the Armed Forces of the United States in stopping North Vietnamese traffic headed for South Vietnam over the Ho Chi Minh trail. But neither that resolution nor any other affirmative constitutional action by the Congress has authorized the use of any U.S. Armed Forces in action in Laos which is unrelated to the war in Vietnam.

Efforts have been made to distinguish between combat action in the air and combat action on the ground.

Mr. President, I submit that such a distinction is specious.

If the President has authority to engage American air forces in a country with which we have no treaty or other obligation, and without the approval of Congress, he has a similar authority to engage our ground combat forces.

The Constitution is clear. It is the Congress which has the power to declare war and to make rules for the Government and regulation of the land and naval forces of the United States.

If the Senate is to remain silent while the President uses air forces in an Asian country without authority of the Congress, we should remain silent about his use of ground combat forces.

Two years ago by an overwhelming vote, the Senate went on record stating that a national commitment to a foreign power arises only from affirmative action taken by the executive and legislative branches of the United States through means of a treaty, convention, or other legislative instrumentality intended to give effect to such commitment.

The Senate must not remain silent now while the President uses the Armed Forces of the United States to fight an undeclared and undisclosed war in Laos.

Acquiescence now in even a limited use of air power in Laos will mean the Senate has surrendered one more legislative power to the Executive.

Mr. President, I ask unanimous consent that the resolution may be printed in the RECORD at the conclusion of my remarks together with an article concerning Laos.

The PRESIDING OFFICER. The resolution will be received and appropriately referred; and, without objection the resolution and the article will be printed in the RECORD.

The resolution (S. Res. 368), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 368

Whereas, the United States has not by treaty or other constitutional procedure undertaken to engage American military forces in combat in Laos; and

Whereas, United States Air Force and other American military personnel have nevertheless become increasingly involved in, and have suffered casualties as a result of, combat activities in Laos distinct from the interdiction of military supplies or forces destined for South Vietnam; and

Whereas, the full nature and extent of U.S. military involvement in Laos has not been completely communicated to the American people: Now, therefore, be it

Resolved, That it is the sense of the Senate that the Constitution of the United States requires that authority for the use of United States armed forces in combat in or over Laos must be predicated upon "affirmative action taken by the executive and legislative branches of the United States Government through means of a treaty, convention, or other legislative instrumentality specifically intended to give effect" to the commitment of American forces in Laos as agreed to by the Senate in the so-called commitment resolution (S. Res. 85, 91st Congress, first Session).

The article, ordered to be printed in the RECORD, is as follows:

[From the New York Times, Mar. 9, 1970]

DEATHS OF 27 AMERICANS IN LAOS DISCLOSED BY UNITED STATES

(Captain and 26 civilians reported killed in last 6 years—Nixon aides say he stands by earlier statement on role.)

(By James M. Naughton)

KEY BISCAYNE, FLA., March 8.—The Nixon Administration said today that an Army captain and 26 American civilians stationed in Laos on Government business had been killed by Communits troops or listed as missing as a result of enemy action over the last six years.

The disclosures came two days after President Nixon declared that "no American stationed in Laos has ever been killed in ground combat operations."

PRESIDENT'S STATEMENT STANDS

Gerald L. Warren, deputy Presidential press secretary, said in a briefing for reporters at the Folrida White House that Mr. Nixon stand by the assertion he made in a report to the nation on the conflict in Laos.

[In Washington, Senators Mike Mansfield of Montana and J. W. Fulbright of Arkansas called for an end of United States involvement in Laos and accused President Nixon of not having gone far enough in his statement on the American role.]

The death of the American captain, in a Communist commando raid last year against a Royal Laotian Army headquarters, was confirmed by Mr. Warren. Other Administration sources disclosed that 25 civilian employees of the United States or Government contractor and one civilian dependent were dead or missing in Laos.

Mr. Warren said the President was not aware, when he issued his statement about Laos on Friday, that Capt. Joseph Bush, described as an American Army adviser to Royal Laotian troops, had been killed Feb. 10, 1969, near Muon, Soui, on the western edge of the Plaine des Jarres. Captain Bush's death, in action against Communist troops, was reported in the Los Angeles Times this morning by Don A. Schancke, a freelance writer who has spent much of his time reporting in Laos.

NIXON REPORTED DISTURBED

The distinction, Mr. Warren maintained, was that Captain Bush had died as a result of "hostile action." The President's spokesman gave this account of the captain's death:

"Captain Bush was in his quarters, in the compound 10 miles to the rear of the expected line of contact with the enemy, when North Vietnamese commandos attacked the compound. Captain Bush took action immediately to attempt to protect other persons in the compound, exposing himself to enemy fire, and was killed.

"He was not engaged in combat operations."

Mr. Warren confirmed that Captain Bush fired at the enemy during the skirmish. Mr. Schanche's account said that Captain Bush killed one Communist soldier before he was "almost literally cut in half by enemy automatic weapons fire."

White House sources, who declined to be identified publicly, said that President Nixon had been disturbed by the account, which appeared to contradict his statement, and had ordered a check of records of all those who had served in Laos in the last six years.

According to these sources, no other cases were discovered in which American military personnel had been killed, but the records showed that 25 civilians and one dependent had been listed as dead or missing as a result of "hostile action."

The White House sources said that Mr. Nixon had been aware of the civilian casualties when he made his statement on Laos, but that he did not feel they were attributable to "ground combat operations."

Some of the casualties resulted from enemy ambushes or long-range artillery attacks and others may have occurred in the downing of American aircraft over Laos, the sources said.

REFERS TO "GROUND COMBAT"

When Mr. Nixon issued his report on Laos, the White House confirmed that 200 Americans had been killed and 193 listed as missing or captured as a result of air operations over Laos, but the officials insisted that Americans had not been engaged in ground combat operations.

They pointed, in fact, to the absence of casualties on the ground to emphasize the President's statement that the United States had no ground combat forces in Laos and no plans to introduce them.

In his account, Mr. Schanche referred to Captain Bush's death as a "ground combat" casualty. He said that when the captain was shot he was helping to "coordinate ground action involving Thai artillery, American air power and Meo infantrymen against a Communist force that was dug in on a road a few miles east of Muong Soui."

He said he learned of the captain's death the next day, from an Army sergeant he called "Smokes" and from some of the 62 Air Force radar technicians also stationed at the lightly-guarded Laotian compound.

The White House would not comment when asked if the President was disturbed about the possibility that the new information would raise questions about the credibility of Mr. Nixon's statement on Laos.

Nor would the sources disclose whether the captain had been receiving combat pay. They directed these and other questions—including one inquiry about the way in which similar casualties are listed in Vietnam—to the Defense Department.

[A Pentagon spokesman said that Captain Bush's records were locked up for the weekend in the Army records center in St. Louis and that military officials would not be able today to identify the captain's hometown or to determine whether he was receiving combat pay.

[The spokesman said that had Captain Bush's death occurred under the same circumstances in Vietnam it would have been classified a "death due to hostile action," a category that includes those killed in action as well as deaths that result from enemy action but not while victim was in combat.]

VOTING RIGHTS ACT AMENDMENTS OF 1969

The Senate continued with the consideration of the bill (H.R. 4249) to extend the Voting Rights Act of 1965 with respect to the discriminatory use of tests and devices.

Mr. BAYH. Mr. President, I rise to discuss the subject which has concerned our Subcommittee on Constitutional Amendments of the Committee on the

Judiciary for a good many weeks, indeed for a period of years, the entire question of how we give our younger citizens the right to have some voice in determining their destiny.

During the last several weeks this subcommittee, which I have the privilege of serving as chairman, has held extensive hearings on the entire matter of lowering the voting age. More specifically, this week we have held hearings trying to determine not just the merits of lowering the voting age, but what vehicle it would be most appropriate to use; whether we should follow the course recommended by the distinguished majority leader and proceed by statute, or whether we should follow the course so vigorously pursued by our distinguished colleague from West Virginia (Mr. RANDOLPH).

I think it is important first to look at some of the facts disclosed by these hearings. I will try to summarize, to be totally honest, the Senator from Indiana's interpretation of these facts. It is quite conceivable that some of our colleagues might look at the same facts and reach a different interpretation.

I think it is fair to say we have been able to create a greater degree of national awareness of the need to lower the voting age. It is my judgment that the debate in which we are participating now can add to this awareness.

I think the hearings plus the dedicated efforts of the Senator from West Virginia, the Senator from Montana, the Senator from Massachusetts, and others have done more than has ever been done before to try to convince Members of this body that the time has come to lower the voting age. It has been difficult for me to believe that there are some Senators who, only in the last week, have added their names and influence to the effort to lower the voting age. Some of these Senators, before this time, would not even consider discussing it in executive session of the Judiciary Subcommittee on Constitutional Amendments.

I think the evidence before our subcommittee discloses a significant constitutional question as to whether the statutory approach will be upheld by the Supreme Court when it is ultimately tested. After looking at the constitutional arguments presented by witnesses pro and con, it is my judgment that there are constitutional grounds for proceeding by statute. The basis for this judgment must rely almost totally on the Supreme Court decision in Katzenbach against Morgan. Although we might differ as to whether that is a sufficient ground, I am inclined to believe it is.

I think it might be helpful to look at the crucial element in the Morgan case, the basis on which we must proceed in lowering the voting age by statute. In Morgan, the Court relies primarily on section 5 of the 14th amendment, the provision giving Congress "power to enforce, by appropriate legislation, the provisions of this article," including the equal protection and due process clauses. The Court in Morgan upheld congressional authority under section 5 to override State legislation as violative of the equal protection clause, even though the Court itself might well have been reluctant to declare the State law in question unconstitutional. It thus held in Morgan that the Congress has a broad grant of authority to enact such legislation as Congress reasonably relieves necessary to establish and protect the guarantees of the equal protection clause. Such legislation will be sustained so long as it is fairly based on factual determination, and I would like to quote one paragraph from Katzenbach against Morgan in which the Court said that:

> It was for Congress . . . to assess and weigh the various conflicting considerations—the risk or pervasiveness of the descrimination in governmental services, the effectiveness of eliminating the state's restriction on the right to vote as a means of dealing with the evil, the adequacy or availability of alternative remedies, and the nature and significance of the state interests that would be affected by the nullifictaions . . .

Then the Court proceeded—

> It is not for us to review the congressional resolution of these factors. It is enough that we be able to perceive a basis upon which the Congress might resolve the conflict as it did.

Different views were presented to the committee. The distinguished dean of the Yale Law School, Mr. Pollak, expressed deep reservations and opposition to proceeding by statute, and he is indeed, a learned scholar in this area. Two constitutional experts, Professor Freund and Professor Cox, former Solicitor General, as stated earlier, have expressed strong support for the method which we are pursuing here today.

The issue resolves to the old question of drawing the constitutional line between State rights and Federal rights? This is not a question the Senator from Indiana takes lightly. With all due respect, the Senator from Indiana must say he is not impressed by the argument made by the senior Senator from Florida that Congress should be timid about pursuing the lowering of the voting age because of actions by State legislatures and by referendums in which the States themselves denied the right of 18-, 19-, and 20-year-olds to vote.

If we had pursued that argument to its logical concluison, we must recognize that the 19th amendment, which gave to women the right to vote, would never have become law, because we had circumstances similar to those existing now which preceded ratification of the 19th amendment. Time after time referenda and State legislative actions said to women of voting age—who comprise more than half of the people of this Nation "You are not going to have the right to vote." But Congress initiated the activity which ultimately led to giving the women of our country the right to vote.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. BAYH. I yield.

Mr. RANDOLPH. I think it is very important that the Senator from Indiana has brought to our attention a constitutional amendment in which more than three-fourths of the States ratified the action of the Senate itself. In other words, the Senate referred the matter to the States, and although the States had failed to grant to women the responsibility and privilege of voting, it was only 15 months, under the impetus of the action of Congress, until a sufficient number of States ratified and the Secretary of State proclaimed the right to vote for the women of this country.

I think it is very important for us to realize that what we are doing today. The methodology as we move this proposal to a conclusion, is very important. Sometimes, it is said, form is unimportant, but sometimes the batter of form is very important. I think in this case it is important that we give to the States the opportunity and the responsibility to speak on this matter after the Senate and the House—the Congress—has referred this challenge, as it were, to them.

That is what the Senator is saying, in other words.

At this point I want to explore with the able chairman of the Subcommittee on Constitutional Amendments what the situation will be if the amendment of the distinguished majority leader, or the amendment as amended by the Senator from Alabama (Mr. ALLEN), were to pass this body. What would be the Senator's feeling about pursuing the resolution in his subcommittee, in view of the 4 days of hearings which have been held on Senate Joint Resolution 147. I wonder if the Senator's subcommittee would be prepared to go forward, and if there would be sufficient votes in the subcommittee to go forward. I wonder whether the Senator would be inclined to feel it is his responsibility to have the Senate subcommittee which he so capably heads bring this matter to fruition, and then after it is brought to a vote affirmatively in subcommittee, to go to the full committee for action?

I am trying to determine what the situation will be, even if the amendment were adopted.

Mr. BAYH. I will proceed to try to substantiate my opinion concerning the amendment of the Senator from Montana, but I think the question raised by our distinguished colleague from West Virginia is a good one. As one Member of the Senate, and particularly as chairman of the subcommittee, I intend to do all I can, to use all the influence I might have, to move Senate Joint Resolution 147 speedily into executive session of the subcommittee, and into the full Committee on the Judiciary, and out to the Senate floor, and then to join with the Senator from West Virginia and other Senators at that time to see that we pass it and get the two-thirds vote necessary.

As the Senator from West Virginia knows, the Senator from Indiana can speak only for himself. But I think the times are so critical—and I shall touch on this in more detail in a moment—and the need to give young people the feeling of belonging, give them a meaningful piece of the action is so great—that we must act quickly in whatever parliamentary manner may be necessary to prevent this matter from being logjammed at any step along the way. I think we must proceed.

Mr. RANDOLPH. Will the Senator from Indiana indulge me one further comment?

Mr. BAYH. Yes; of course.

Mr. RANDOLPH. I realize the cogency of the argument now being presented for supporting the Mansfield amendment, which, frankly, I may support. I probably

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Press Item for the DCI

Date: 11 Mar
Item: No. 36
Ref: No. 27,30

NOR543 EPA246
1416 : LAOTIAN-FULBRIGHT:
(450--TWO TAKES)
BY MICHAEL KRAFT.

WASHINGTON, MARCH 11 (REUTERS)-- SEN. J. WILLIAM FULBRIGHT SAID TODAY IT IS OBVIOUS THAT A RELATIONSHIP EXISTS BETWEEN AMERICAN ECONOMIC AID AND INTELLIGENCE OPERATIONS IN LAOS.

HE MADE THE STATEMENT AFTER AN OFFICIAL OF THE AGENCY FOR INTERNATIONAL DEVELOPMENT (A.I.D.) DUCKED QUESTIONS ABOUT A NEWSPAPER ARTICLE ASSERTING THAT THE CIVILIAN A.I.D OPERATION IN LAOS IS BEING USED AS A COVER FOR THE C.I.A.

ROBERT H. NOOTER, CURRENTLY THE DEPUTY ASSISTANT ADMINISTRATOR OF A.I.D. FOR LAOS AND OTHER SOUTHEAST ASIAN COUNTRIES, EXCLUDING VIETNAM, SAID OF THE REPORT, "I FEEL IT SHOULD NOT BE DISCUSSED IN PUBLIC SESSION."

FULBRIGHT, D-ARK. DECLARED "FROM THE ARTICLE AND YOUR RELUCTANCE TO TESTIFY, IT IS OBVIOUS THAT A RELATIONSHIP EXISTS. IF A RELATIONSHIP DID NOOT EXIST YOU WOULD NOT HESITATE TO DENOUNCE THE ARTICLE."

THE EXCHANGE OCCURRED WHEN NOOTER APPEARED BEFORE THE SENATE FOREIGN RELATIONS COMMITTEE TO BE CONFIRMED AS A.I.D.S ASSISTANT ADMINISTRATOR FOR VIETNAM.

THE ARTICLE FROM VIENTIANE, WRITTEN BY JACK FOISIE OF THE LOS ANGELES TIMES, SAID THAT THE NUMBER OF C.I.A AGENTS POSING AS CIVILIAN A.I.D. WORKERS TOTALS SEVERAL HUNDRED. THEY ANSWER ONLY TO THE C.I.A. CHIEF IN LAOS, HE SAID.

NOOTER,ASKED SPECIFICALLY ABOUT REPORTS THAT A.I.D OFFICIALS SOMETIMES OPERATE AS FORWARD CONTROLLERS ON THE GROUND FOR AIR OPERATIONS, REPLIED "TO THE BEST OF MY KNOWLEDGE, IT IS NOT TRUE."
KMORE) AV SD/RDN

Comment: Follows up referent items (AP and UPI versions). Goodwin and Maury have copies.

These comments represent the initial and tentative reaction of the Office of Current Intelligence to the attached item from the news services.

NNNN
NOR544 EPA247
1420 : 1ST ADD WASHINGTON LAOTIAN-FULBRIGHT:
X X X TRUEMZ
FULBRIGHT, CHAIRMAN OF THE FOREIGN RELATIONS COMMITTEE AND A STAUNCH CRITIC OF AMERICAN INVOLVEMENT IN VIETNAM AND LAOS, SAID "IF A.I.D. IS BEING USED AS A FRONT OR COVER, WE OUGHT TO KNOW ABOUT IT. THERE ARE ENOUGH PROBLEMS WITH A.I.D. WITHOUT IT BEING USED AS A COVER."

FULBRIGHT SAID THAT IF IT IS TRUE A RELATIONSHIP EXISTS BETWEEN A.I.D. AND C.I.A. IN LAOS, "IT IS ANOTHER SIGN THAT WE ARE IN OVER OUR HEADS."

UNDER PRESSURE FROM FULBRIGHT, NOOTER AGREED TO SUBMIT A MEMORANDUM TO THE FOREIGN RELATIONS COMMITTEE ON THE QUESTIONS RAISED ABOUT THE A.I.D. IN LAOS.

NOOTER, UNDER QUESTIONING, SHED A LITTLE LIGHT ON THE OPERATIONS OF AIR AMERICA AND CONTINENTAL AIR, TWO AIRLINES OPERATING IN LAOS AND REPORTED TO BE C.I.A.-FINANCED.

HE SAID THE AIRLINES OPERATE UNDER CONTRACT WITH A.I.D. TO DELIVER FOOD TO REFUGEES AND TRANSPORT AMERICAN PERSONNEL AND SUPPLIES AROUND THE COUNTRY.

HE SAID THE U.S. PAYS ABOUT FOUR TO FIVE MILLION DOLLARS TO THE AIRLINES BUT HE WAS NOT CERTAIN WHO OWNED AND CONTROLLED THEM.

HE SAID HE BELIEVED AIR AMERICA WAS OWNED BY A FORMOSA-BASED CORPORATION.

REUTERS (AV) SD/RDN

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